



*"Small Town Atmosphere
Outstanding Quality of Life"*

DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE

DATE: March 18, 2019 (Revisions made since March 18, 2019)

PROJECT TITLE: Tassajara Nursery 18-lot rezoning and subdivision

PROJECT LOCATION: 2550 Camino Tassajara
APN: 217-010-008

CASE FILES: PUD 18-01, SUB 18-01, DEV 18-09 and TR 18-26

LEAD AGENCY: Town of Danville
510 La Gonda Way
Danville, CA 94526

CONTACT PERSON Kevin J. Gailey
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**PROPERTY OWNERS
and APPLICANTS:** Trumark Homes, LLC
Attn.: Heide Antonescu
3001 Bishop Dr., Ste. 100
San Ramon, CA 94583

PROJECT ENGINEER/PLANNER: MacKay & Soms
Attn.: James F. Templeton, Jr.
5142 Franklin Dr., Ste. B.
Pleasanton, CA 94588

ZONING: P-1; Planned Unit Development District

GENERAL PLAN: Residential - Single Family - Low Density
(1-3 units per acre)

PROJECT DESCRIPTION: Preliminary Development Plan - Rezoning request PUD 18-01 seeks approval to rezone the 5.05 acre project site from a P-1; Planned Unit Development District to a new, project-specific, P-1; Planned Unit Development District - proposed with R-10; Single Family Residential District development standards. The

510 LA GONDA WAY, DANVILLE, CALIFORNIA 94526

applicants are proposing to develop the property with 18 single family homes and related infrastructure improvements. Major Subdivision request SUB 18-01 seeks approval of a vesting tentative map application to allow creation of 18 residential lots and six common parcels. The proposed common parcels would be parcels encompassing private project roadways, stormwater treatment facilities, and common ownership landscape areas. Final Development Plan request DEV 18-09 seeks approval of final project design - i.e., final architecture and landscape improvements. Proposed project architecture includes two plan types, each with three architectural options, for the single family residences in the project. Tree Removal request TR 18-26 seeks authorization to remove seven Town-protected trees and to allow construction activity in proximity to additional onsite and offsite Town-protected trees. The project applicants have invoked state and local density bonus law and the resultant project would have a development density of just under 3.5 units per acre. To qualify for the requested 20% density bonus, the applicants are proposing provision of eight for-rent low income below market rate (BMR) second units. The second units, also referred to as accessory dwelling units or ADUs, are proposed as attached units limited to a maximum size of 550 square feet. The for-rent low income ADUs would serve as the project's affordable 'target units' - units the units provided to allow the project to qualify for a density bonus. Absent invoking density bonus, the project would have been limited to a maximum of fifteen single family residential units. Were a fifteen unit project to have been pursued by the applicant, it would have been required, under the provisions of the Town's Inclusionary Housing Ordinance, to provide either one for-sale below market rate unit affordable to a moderate income household or four attached, or detached, ADUs affordable to low income households.

LAND USE AND SETTING:

The property is currently occupied by the Tassajara Nursery which has been operated since 1980 by the historic property owner of the property - the Akabanes. The site contains a 4,000 square foot 1980-era commercial building, a 1,000 square foot 1992-era storage shed, several additional small accessory structures, a 23-space parking lot, and approximately four acres of nursery planting display area. Surrounding uses include:

North - Commercial uses; institutional uses; and 7-unit low density multifamily project:
The Rock Church; US Post Office; Peekadoodle Academy of Danville child care; Messiah Lutheran Church LCMS; and the seven-unit project developed under SD 9287 in 2014 on a one acre site west northwest of the Post Office.

West - Single Family Residential Low Density and Country Estate:

Directly west and southwest of the subject property is the 31 unit P-1 (R-10 standards) Lasata single family residential project, developed between 1994 and 1997. The Lasata project developed with a mix of public and private roadways. The roadway system includes the private bridge crossing of Sycamore Creek -

which was recently structurally upgraded. The public roadway network includes a section of roadway that terminates at the west side of the subject property. This roadway section reflects the anticipation of a future extension of the public roadway system into the subject property, which ultimately would allow the elimination of the driveway connection on the subject property at the northeast corner of the property unto Camino Tassajara. A subarea of the Lasata project (i.e., a 5.04 acre portion selected to allow an "apples-to-apples" comparison with the proposed 5.05 acre subject project) is the portion of the Lasata project consisting of most of the fully developed lots north of Sycamore Creek. This area contains seventeen lots for a 3.37 units per acre development density. These seventeen lots average 10,565 square feet in size and are occupied with residences with an average size of 3,366 square feet. (See Attachments A-1 and A-2.) For comparison, the proposed project would be on a 5.05 acre property and would consist of 18 lots - for a 3.56 units per acre development density. The proposed project would provide for single family residences with an average lot size of size of 3,513 square feet, with eight of the 18 residences including an attached accessory dwelling units - or ADUs). Attachment A-4 allows a comparison of the project to the nearby Cross Bridge and Sarah Court project that lies west of the Lasata project.

East - "Valerosa" 16-unit Single Family Residential Low Density and Country Estate:

Directly east of the subject property is the 16 unit P-1 (R-10 standards) Valerosa single family residential project, containing four attached ADUs and having been developed over the course of 1998 and 1999. The project is served by a temporary connection to Camino Ramon and includes public roadways, including a section of public roadway that terminates at the east side of the subject property. This roadway section reflects the anticipation of a future extension of the public roadway system into the subject property, which ultimately would allow the elimination of the temporary driveway connection in the Valerosa project with the intersection of Fieldstone Court and Camino Tassajara. A 5.05 acre subarea of the Valerosa project (selected to allow an "apples-to-apples" comparison with the 5.05 acre subject project) is the entire area of the project less approximately 4/5ths of that project's flood control easement along Sycamore Creek. Included in the 5.05 subarea is the pedestrian easement connection to the project and portions of the public trail improvements located in the flood control easement along the north side of Sycamore Creek. The 5.05 subarea contains sixteen lots for a 3.17 units per acre development density. These sixteen lots average 10,552 square feet in size and are occupied with residences with an average size of 3,718 square feet. (See Attachment A-1 and A-3.) As stated above, the proposed project would provide for single family residences with an average lot size of size of 3,513 square feet, with eight of the 18 residences including an attached accessory dwelling units - or ADUs).

South - Misson Trust and GSP Associates, Inc. properties lying north and south of Sycamore Valley Creek:

Lying directly south of the subject property is the 6.75 acre Misson Trust property, a partially developed property bisected by Sycamore Valley Creek. The property has a split land use designation, including Residential - Single Family - Low Density (1 to 3 units per acre) north of the creek (being the partially developed portion of the property) and Residential - Single Family - Country Estate (1 acre minimum lot size) over the undeveloped portion of the property located south of the creek. Above (south) of Misson Trust property is the 13.28 acre GSP Associates, Inc. property, an undeveloped property that also has a split land use designation. The portion of this property below the 650' contour line (which serves as a water service elevation boundary for EBMUD) carries the Residential - Single Family - Country Estate (1 acre minimum lot size) designation. The portion of the property above the 650' contour line has a Residential - Single Family - Rural Residential (5 acre minimum lot size) land use designation. These two properties have an association with the Tassajara Nursery site as they represent lands that, under directives in the Tassajara Lane/Sherburne Hills Road Special Concern Area language of the Danville 2030 General Plan (see Attachment B), must be accommodated for as regards the roadway network ultimately developed in the Special Concern Area. Outstanding circulation needs in the area include: (a) accommodation of public roadway access to Camino Tassajara for these two properties; (b) provision of a second bridge crossing (in the form of at least an emergency vehicle access connection) over Sycamore Valley Creek which is to be adequate to serve the emergency access needs of all the properties located south of Sycamore Creek that are currently served by just the one existing bridge crossing by Sherburne Hills Road; and (c) missing links to the planned public pedestrian trail system planned along Sycamore Valley Creek.

Previous Actions: The subject property was Parcel A of the Parcel Map recorded for Minor Subdivision request MS 115-77, a three-parcel minor subdivision approved by Contra Costa County prior to Danville's incorporation. The property was a portion of the Town-initiated Preliminary Development Plan - Rezoning action in 1991 (PUD 91-03) that imposed development standards on approximately 212 acres in the Tassajara Lane / Sherburne Hills Road Special Concern Area to bring the area zoning into conformance with the general plan land use designations for the area and to establish development standards consistent with the rights and limitations set forth for the area under the Special Concern Area text. Through the adoption of Planning Commission Resolution No. 98-17 Development Plan request DEV 97-05 (aka LUP 97-26), Danville granted a 20-year time extension for the previously approved land use permit authorization to operate a commercial nursery on the subject property. LUP authorization for the use was required as a result of the property's residential land use and zoning designations. With the extension,

authorization to use the property as a commercial nursery will expire in April 2018. The original authorization was granted prior to Danville's incorporation by the County approval granted under Land Use Permit request LUP 2091-77 approved on September 27, 1977. DEV 13-83 (LUP) granted a temporary approval to use a portion of the property as a Christmas tree lot.

POTENTIALLY AFFECTED PUBLIC AGENCIES:

- San Ramon Valley Fire Protection District (SRVFPD)
- Contra Costa Central Sanitary District (CCCSD)
- Contra Costa County Flood Control & Water Conservation District (CCCFC&WCD)
- East Bay Municipal Utilities District (EBMUD)
- San Ramon Valley Unified School District (SRVUSD)
- Contra Costa Health Services - Environmental Health Division (CC Health)
- Regional Water Quality Control Board, Central Coast Region (RWQCD)
- Office of Historic Preservation Northwest Information Center - Sonoma State Univ.

ENVIRONMENTAL EFFECTS/MITIGATION MEASURES:

I. AESTHETICS: Would the project:

- c) & d) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant with Mitigation Incorporated. The project will result in the development of eighteen new residences and, potentially, new accessory structures on a 5.05 acre property. Existing commercial structures on the property are planned for removal. The project is an infill project on a property that has General Plan and Zoning designations allowing for single family development consistent with the proposed density. Development reflective of the proposed application has been long anticipated. Potential light and/or glare impacts on surrounding residential uses will be mitigated through imposition of standard conditions of approval (COA) project lighting, as follows:

Draft COA #B.1 - AESTHETICS MND COA: *All buildings shall be designed so that reflective surfaces are limited, and exterior lighting is down-lit and*

illuminates the intended area only. Prior to issuance of a building permit, the applicant shall submit an exterior lighting plan for review and approval by the Danville Development Services Department that includes the following requirements: (a) exterior lighting shall be directional; (b) the source of directional lighting shall not be directly visible; and (c) vegetative screening shall be installed, where appropriate.

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant with Mitigation Incorporated. Construction activities such as clearing, excavation, grading, and demolition, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and particulate matter emissions that could affect local air quality on a short term basis. The potential for dust nuisance would be concentrated when clearing, demolition and grading/excavation activities take place. Construction impacts on air quality standards will be mitigated through imposition of standard conditions of approval (COA) regarding wind erosion, as follows:

Draft COA #A.6 - AIR QUALITY MND COA: *The following mitigation measures shall be implemented during project construction to mitigate potential adverse impacts to air quality:*

- a. *A watering program which incorporates the use of a dust suppressant, and which complies with Regulation 2 of the Bay Area Air Quality Management District shall be established and implemented for on- and off-site construction activities.*
- b. *Equipment and human resources for watering exposed or disturbed soil surfaces shall be supplied on weekends and holidays as well as workdays.*
- c. *Dust-producing activities shall be discontinued during high wind periods.*
- d. *Stockpiles of debris, soil, sand or other materials that can be blown by the wind shall be covered.*
- e. *The applicant shall post a publicly visible sign with the point of contacts (name, number, and email) for the project superintendent and for the Town of Danville regarding dust complaints. The project superintendent shall take appropriate corrective action within 48 hours of receiving a dust complaint. The phone number for the Bay Area Air Quality Management District (BAAQMD) shall also be clearly displayed on the publicly visible project sign to direct concerned parties to the BAAQMD with an intent to help ensure*

- compliance with applicable air quality construction activity regulations.
- f. Prior to demolition activities, the applicant shall secure a J Permit from the Bay Area Air Quality Management District (BAAQMD).
 - g. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - h. All building pads shall be laid as soon as reasonably feasible after grading unless seeding or soil binders are used.

Draft COA #A.7 - AIR QUALITY MND COA: Idling times of construction equipment shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage stating these operation standards shall be provided by the applicant for construction workers at all project access points.

Draft COA #A.8 - AIR QUALITY MND COA: Prior to construction activity, construction equipment shall be checked by a certified visible emissions evaluator. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications.

IV. BIOLOGICAL RESOURCES: Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CA Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant with Mitigation Incorporated. Potential construction impacts on nesting raptors that might be present on the site will be mitigated through imposition of the following conditions of approval (COA):

Draft COA #B.3 - BIOLOGICAL RESOURCES MND COA: The project developer shall make payment of the \$2,216.25 California Department of Fish and Wildlife (CDFW) CEQA Environmental Document Filing Fee, or the applicable fee in place at the time of project approval if that fee is higher, within four days of the effective date of the project approval, unless the project developer submits to the Town of Danville a written explanation as to the basis, under Cal. Code Regs., tit. 14, §§ 15260-15333 and Fish & G. Code, § 711.4, subd. (d)(1), that the project is exempt from paying filing fee. A copy of this written explanation shall concurrently be forwarded to CDFW.

Draft COA #E.1 - BIOLOGICAL RESOURCES MND COA: If demolition or construction activity (e.g., structure or hardscape demolition, tree removal, grading, road construction, home construction, etc.) is to occur within the raptor nesting season (i.e., between February 1 and July 31), a pre-construction survey of the property for

nesting raptors shall be conducted, with such survey to occur a minimum of 15 days prior to planned commencement of demolition or construction activity. The nesting survey shall include examination of all trees within 200 feet of the area proposed for demolition or construction activity. If birds are identified nesting on or within the zone of proposed demolition or construction activity, a qualified biologist shall establish a temporary protective nest buffer around the nest(s). Where protective nest buffering is deemed necessary, the nest buffer(s) shall be staked with orange construction fencing or orange lath staking. The buffer shall be of sufficient size to protect the nesting site from demolition or construction related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near construction sites. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for small birds, and up to 250 feet for sensitive nesting birds that include several raptor species known in the region of the project site. No demolition, construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified biologist that the young have fledged and have attained sufficient flight skills to avoid project construction zones. This typically occurs by July 15th of each year. This date may be earlier or later and shall be determined by the qualified ornithologist or biologist.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant with Mitigation Incorporated. To complete the project application submittal, the applicant submitted a tree survey and report (i.e., the report prepared by Live Oak Associates, Inc. dated September 29, 2017 - see Attachment C). The arborist report surveyed 56 trees, including 24 trees on the subject property and 32 offsite trees whose canopy at least partially extends into the project site and which could be affected by project development. The report indicates 15 trees will be removed for project development, including one Town-protected tree. A total of eleven Town-protected trees were recorded during the site survey. One additional Town-Protected tree beyond the Town-Protected tree slated for removal is located within the subject property. The remaining nine Town-protected trees are located just outside the project boundary but have canopy overhanging the project site and could be impacted by project development. Potential construction impacts on to identified Town-protected trees will be mitigated through imposition of the following conditions of approval (COAs):

Draft COA #E.1 - BIOLOGICAL RESOURCES MND COA: *The following recommendations shall be observed/implemented to help reduce impacts to trees from development and to maintain and improve their health and vitality through the clearing, grading and construction phases of the project.*

- a. Any changes to the plans affecting Town-protected trees shall be reviewed by the Consulting Arborist with regard to potential tree impacts. These include, but are not limited to, changes to project demolition plans, site plans, **project improvement plans**, utility and drainage plans, grading plans, and landscape and irrigation plans.
- b. The vertical and horizontal locations of the Town-protected trees that are slated for retention, whether onsite trees or offsite trees, with at least 15% of their tree dripline extending into the project site, shall be established and plotted on all plans. Once trunk locations for such trees are plotted on plans, they shall be reviewed by the Consulting Arborist who shall have the responsibility to assess potential impacts to individual trees and to establish tree protection zones for such trees. No grading, excavation, construction or storage of materials shall occur within that zone.
- c. To the extent reasonably feasible, underground services, including utilities, sub-drains, water or sewer, shall be routed around tree protection zones. Where encroachment cannot be avoided, special construction techniques, such as hand digging or tunneling under roots, shall be employed to minimize root injury.
- d. Tree Preservation Notes, prepared by the Consulting Arborist, shall be included on all plans.
- e. Irrigation systems shall be designed so that no trenching would occur within a tree protection zone.
- f. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
- g. If lime treatment is to be applied on the property in conjunction with site grading and/or site preparation, it shall not occur within 50' of any identified Town-protected tree to be preserved.
- h. The demolition contractor and construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection measures.
- i. Tree pruning of identified Town-protected trees may be required to clean the crown and/or to provide construction clearance. Where such pruning will occur, it shall be done by a State of California Licensed Tree Contractor (C61/D49 license) and all pruning shall be done by Certified Arborist or Certified Tree Worker in accordance with the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and adhere to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300).
- j. Structures, underground features, and existing hardscape that is to be removed for the project within tree protection zones shall use the smallest equipment feasible for the work performed, which shall operate from outside the affected tree protection zone to the extent reasonably feasible. The Consulting Arborist shall be onsite during all operations within the tree protection zone to monitor such demolition activity.

- k. *Prior to initiating construction activity, all contractors working in the vicinity of Town-protected trees slated for preservation shall meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.*
- l. *Any grading, construction, demolition or other work that is expected to encounter tree roots shall be monitored by the Consulting Arborist.*
- m. *Construction trailers, traffic and storage areas shall remain outside of identified tree protection zones areas at all times.*
- n. *Prior to grading, pad preparation, excavation for foundations/footings/walls, or trenching, trees requiring root pruning outside the tree protection zone shall be done by cutting all roots cleanly to the depth of the excavation. Roots shall be cut by manually digging a trench and cutting exposed roots with a saw, vibrating knife, rock saw, or other approved root pruning equipment. The Consulting Arborist shall identify where root pruning is required and monitor all root pruning.*
- o. *Where there is 2' or more of fill placed within the dripline of an identified Town-protected tree, aeration improvements shall be installed. These shall, at a minimum, include provision of a 4" drain line place at natural grade prior to fill. The number and placement of drain lines shall be as directed by the Consulting Arborist.*
- p. *Prior to the issuance of grading or building permits, a security deposit in the amount of the assessed value of the tree(s) (calculated pursuant to the Town's Tree Protection Ordinance) shall be posted with the Town to maximize the probability that the affected trees will be retained in good health. The applicant shall be required to secure an appraisal of the condition and value of all affected trees. The applicant shall be required to secure an appraisal of the condition and value of all affected trees. The appraisal shall be done in accordance with the current edition of the "Guide for Establishing Values of Trees and Other Plants," by the Council of Tree and Landscape Appraisers under the auspices of the International Society of Arboriculture. The appraisal shall be performed by a Certified Arborist, and shall be subject to review and approval by the Chief of Planning. A tree preservation agreement shall be prepared that outlines the intended and allowed use of funds posted as a tree preservation security deposit. That portion of the security deposit still held by the Town two full growing seasons after project completion shall be returned upon verification that the trees covered by the deposit are as healthy as can be provided for under the terms of the tree preservation agreement.*

Draft COA #E.4 - BIOLOGICAL RESOURCES MND COA: To compensate for the proposed removal of identified Town-protected trees, the project developer shall assure the implementation of the following measures:

- a. *The project applicant's Consulting Arborist shall calculate the total inches of diameter of Town-protected trees to be removed, as of the date of the grading*

permit application (i.e., the "Total Inches"), and submit that calculation to the Planning Division of the Development Services Department. The project applicant shall be required to replace the identified Town-protected trees to be removed with a number and size of oak trees equal to the total inches of the diameter of the trees to be removed. The required tree mitigation planting may be part of the project's landscape plan.

- b. It is currently estimated that all mitigation oak trees cannot be accommodated onsite. Onsite mitigation trees shall be either 15-gallon size trees (credited at a ratio of 2" per tree toward the aggregate replacement planting) or 24-inch box size trees (credited at a ratio of 4" per tree toward the aggregate replacement planting). Tree mitigation planting that cannot be accommodated onsite shall be handled through the project developer's payment of an in-lieu fee, which shall be made payable to the Town of Danville. This in-lieu fee shall be in the amount of \$135.00 per off-site mitigation tree. This mitigation fee is based on a \$135.00 installed cost per 15-gallon tree indicated in recently approved Town-sponsored capital improvement projects. The in-lieu mitigation funds received by the Town will be applied to an account chosen by the Town for use by the Danville Maintenance Department staff to allow the purchase and planting of beautification trees within the Town of Danville.

V. CULTURAL RESOURCES: Would the project:

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less Than Significant. There has been no identification of the existence, or probable likelihood, of an archaeological resource on this site. Potential impacts will be mitigated through standard conditions of approval (COA) regarding finding subsurface archaeological remains, as follows:

Draft COA #A.19 - CULTURAL RESOURCES MND COA: In response to the project comments dated September 24, 2018 from the Northwest Information Center Sonoma State University regarding the project's potential to adversely affect cultural (i.e., archaeological, native American, and/or built environment considerations), the applicant shall arrange for a qualified archaeologist to conduct archival and field study of the project site, supplementing the previous study (Porter 1980) that covered approximately 10% of the proposed project area to identify cultural resources that may be present at the project site. Prior to commencement of demolition work and prior to the issuance of a grading permit, the applicant shall document to the Town's satisfaction that appropriate coordination with the Northwest Information Center Sonoma State University was secured relative to the scope and methodology of the supplemental study. Initial comments on this project from the Northwest Information Center Sonoma State University are dated September 24, 2018. [Note: Refer to Exhibit tbd - Attachment tbd]

of the project's April 9, 2019 Planning Commission Administrative Staff Report for a copy of the September 24, 2018 comments.]

Draft COA #A.20 - CULTURAL RESOURCES MND COA: *In the event that subsurface archeological remains are discovered during any construction or pre construction activities on the site: (a) all land alteration work within 100 feet of the find shall be halted; (b) the Town of Danville Development Services Department shall be notified; and (c) a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if they are deemed necessary. If prehistoric archaeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.*

Draft COA #A.21 - CULTURAL RESOURCES MND COA: *If human remains of any kind are found during construction activities, all activities shall cease immediately, and the Contra Costa County Coroner be notified as required by state law (Section 7050.5 of the Health and Safety Code). If the coroner determines the remains to be of Native American origin, he or she shall notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the most likely descendant(s) (MLD) to be consulted regarding treatment and/or reburial of the remains (Section 5097.98 of the Public Resources Code). If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to the remains, the Town shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. Work can continue once the MLD's recommendations have been implemented or the remains have been reburied if no agreement can be reached with the MLD (Section 5097.98 of the Public Resources Code).*

- c) Disturb any human remains, including those interred outside of formal cemeteries?

No Impact. There has been no identification of the existence, or probable likelihood, of an archaeological resource on this site. Potential impacts will be mitigated through standard conditions of approval (COA) regarding finding subsurface human remains, as follows:

Draft COA #A.21 - CULTURAL RESOURCES MND COA: *If human remains of any kind are found during construction activities, all activities shall cease immediately, and the Contra Costa County Coroner be notified as required by state law (Section 7050.5 of the Health and Safety Code). If the coroner determines the remains to be of Native American origin, he or she shall notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the most likely descendant(s)*

(MLD) to be consulted regarding treatment and/or reburial of the remains (Section 5097.98 of the Public Resources Code). If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to the remains, the Town shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. Work can continue once the MLD's recommendations have been implemented or the remains have been reburied if no agreement can be reached with the MLD (Section 5097.98 of the Public Resources Code).

VI. ENERGY: Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less than Significant with Mitigation Incorporated. Potential impacts are considered less than significant and will be essentially mitigated through observance of the requirements of California Title 20 and Title 24 - Building Efficiency Standards. Potential impacts will be mitigated through the following conditions of approval (COA):

Draft COA #I.26 - ENERGY MND COA: The In order to ensure that energy demand is reduced to avoid the wasteful or inefficient use of energy, the applicant shall submit detailed design-level plans to the Town of Danville identifying that energy conservation measures have been incorporated into design and operation of the project, prior to the issuance of any building permit. The applicant shall implement the following or comparable energy conservation measures, including, but not limited to:

- a. Project design shall meet or exceed the requirements of California Title 20 and Title 24 - Building Energy Efficiency Standards.
- b. The applicant shall install efficient lighting and lighting control systems.
- c. Applicant-installed landscape hardscape shall be generally limited to light-colored cool pavements which shall be supplemented with and strategically placed applicant-installed shade trees.
- d. The applicant shall install energy efficient heating and cooling systems, appliances and equipment, and control systems, including, but not limited to:
 - Smart meters and programmable thermostats; and
 - Heating, Ventilation, and Air Condition (HVAC) ducts sealing.
- e. Applicant-install landscape outdoor lighting shall be generally limited to light emitting diodes (LEDs).
- f. The applicant shall provide outdoor electrical outlets for the project residences.

The applicant may propose substitute measures provided they achieve comparable energy use reductions as the measures proposed above. If alternative measures are proposed, the applicant shall provide detailed evidence demonstrating the measures efficacy at reducing energy demand.

VII. GEOLOGY AND SOILS: Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

Less than Significant with Mitigation Incorporated. According to the project's Preliminary Geotechnical Feasibility Report, a moderate to high magnitude Bay Area earthquake could result in considerable ground shaking at the site. The project will be required to comply with California Building Code (CBC) relative construction design to mitigate potential seismic impacts. This impact is considered less than significant. Potential impacts will be mitigated through the following conditions of approval (COA):

Draft COA #G.3 - GEOLOGY/SOILS MND COA: *The following conditions shall be met to the satisfaction of the Danville Building Division of the Danville Development Services Department:*

- a. *Separate building permits shall be secured for the retaining walls that are over 4' in height, as measured from the bottom of the footing to the top of the wall and/or where the retaining wall will support a surcharge load.*
- b. *Separate building permits shall be secured for retaining walls that support the access road, with such walls required to be built in advance of the proposed construction of the two additional homes at the project location. (Refer to California Residential Code [CRC] R105.2, Item 3.)*
- c. *All site drainage and foundation drainage systems shall be directed to an approved storm water disposal locations, which shall be clearly identified on the project plans. Drainage easements for these facilities shall be detailed on the project plans and shall be recorded. Precise depictions of existing and planned drainage easements shall be included as part of the project improvement plans and shall be subject to review and approval by the Building Division and the Engineering Division of the Danville Development Services Department.*
- d. *The design and construction of new residences, accessory structures and utilities shall be consistent with the "Geotechnical Feasibility Review" prepared by Cornerstone Earth Group, Inc. dated September 18, 2017.*

Draft COA #F.13 - GEOLOGY/SOILS MND COA: *In order to minimize potential impacts from expansive soils, seismic settlement, the potential presence of*

liquefiable soils, and the presence of shallow ground water, a Final Geotechnical Report shall be prepared that expands upon the findings and recommendations of the Preliminary Geotechnical Feasibility Review prepared for the project. The final project plans shall incorporate the finalized geotechnical recommendations and shall be subject to review and approval by the Danville Development Services Department prior to issuance of a building permit.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant with Mitigation Incorporated. The Phase 1 Environmental Site Assessment prepared by Cornerstone Earth Group and dated October 5, 2017 (see Attachment D) indicates that the property owner/nursery operator has indicated that fill that originated from a Camino Tassajara road widening project was placed on the south portion of the site. There is potential for some soil erosion caused by both wind and water during the construction phase of the project. However, compliance with standard Town practices regarding erosion prevention makes this impact less than significant. Potential impacts will be mitigated through the following conditions of approval (COA):

Draft COA #F.4 - GEOLOGY/SOILS MND COA: Development shall be completed in compliance with a detailed soils report and the construction grading plans prepared for this project. The engineering recommendations outlined in the project specific soils report shall be incorporated into the design of this project. The report shall include specific recommendations for foundation design of the proposed buildings and shall be subject to review and approval by the Engineering and Planning Divisions of the Danville Development Services Department.

Draft COA #F.5 - GEOLOGY/SOILS MND COA: Where soils or geologic conditions encountered in grading operations are different from that anticipated in the soil report, a revised soils report shall be submitted for review and approval by the Danville Development Services Department. It shall be accompanied by an engineering and geological opinion as to the safety of the site from settlement and seismic activity.

Draft COA #F.6 - GEOLOGY/SOILS MND COA: All development shall take place in compliance with the Town Erosion Control Ordinance (Ord. 91-25). Restrictions include limiting construction primarily to the dry months of the year (May through October). If all or part of the construction does occur during the rainy season, the developer shall submit an Erosion Control Plan to the Danville Development Services Department for review and approval. This plan shall incorporate erosion control devices such as, the use of sediment traps, silt fencing, pad berming and other techniques to minimize erosion. All visible mud or dirt track-

out onto adjacent private or public roads shall be removed using wet power vacuum street sweepers, with a minimum frequency of at least once per day. The use of dry power sweeping for this cleaning is expressly prohibited.

Draft COA #F.7 - GEOLOGY/SOILS MND COA: *All new development shall be consistent with modern design for resistance to seismic forces. All new development shall be in accordance with the Uniform Building Code and Town of Danville Ordinances.*

Draft COA #F.8 - GEOLOGY/SOILS MND COA: *All cut and fill areas shall be appropriately designed to minimize the effects of ground shaking and settlement.*

IX. HAZARDS AND HAZARDOUS MATERIALS:

General Discussion: The Phase 1 Environmental Site Assessment prepared by Cornerstone Earth Group and dated October 5, 2017 (see Attachment D) indicates an approximately 1,000-gallon underground storage tank used for gasoline storage is present on the subject property, located southeast of the "fertilizer storage shed". The property owner/nursery operator has indicated that the tank has not been used for many years and reportedly is empty. The report also indicates the presence of an irrigation water well and an older wooden storage tank. The Phase 1 report indicates the property owner/nursery operator has indicated that the water well has not been used since 1988, when the property secured municipal water service from EBMUD. The Phase 1 report indicates that the property owner/nursery operator has indicated the presence of at least one septic tank on the property. As the property is -presumed to be connected to a public sanitary sewer system, the septic tank would no longer be in use.

Based on results from ten onsite soil samples made on September 14, 2017, the detected metal concentrations in the upper ½ foot of soil were below their respective residential screening criteria and/or within published background concentrations.

Three onsite ground water grab samples from three exploratory borings advanced to a depth of up to approximately 30 feet below the ground surface were made in conjunction of the Phase 1 review. Ground water was encountered between the depths of 9 to 17 feet. No VOCs, THHg, TPHo, or TPHd were detected in the three water grab samples.

Three temporary soil vapor probes were installed onsite. The temporary vapor probes were sampled on September 22, 2017. The soil vapor samples were analyzed for VOCs, TPHg by EPA Method TO-15. VOCs (Volatile organic compounds) are emitted as gases from certain solids or liquids. TPHg, TPHo, or

TPHd (would indicate presence of gasoline in the soil) detected in the samples were at a concentration which is lower than the Tier 1 ESL. Benzene and toluene were also detected in the sample, but also at concentrations below their respective soil vapor screening criteria. No VOCs exceeded their respective soil vapor screening criteria, indicating that the UST does not appear to have significantly impacted the soil vapor quality below the site.

The Phase 1 Assessment forwarded the following summary: Based on soil, soil vapor, and ground water quality reports, the previous site activities do not appear to have significantly impacted the site. Isolated areas of petroleum-related soil and/or ground water impacts may be present adjacent to the underground storage tank (UST). If present, these may require special handling when the UST is removed.

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant. There is potential for toxic or contaminated soil to be encountered during the construction phase of the project. However, compliance with standard Town practices regarding erosion prevention makes this impact less than significant.

Draft COA #F.8 - HAZARDS AND HAZARDOUS MATERIALS MND COA:

If toxic or contaminated soil is encountered during construction, all construction activity in that area shall cease until the appropriate action is determined and implemented. The concentrations, extent of the contamination and mitigation shall be determined by the Contra Costa County Health Department. Suitable disposal and/or treatment of any contaminated soil shall meet all federal, state and local regulations. If deemed appropriate by the Health Department, the applicant shall make provisions for immediate containment of the materials.

Draft COA #F.8 - HAZARDS AND HAZARDOUS MATERIALS MND COA:

Runoff from any contaminated soil shall not be allowed to enter any drainage facility, inlet or creek.

Draft COA #I.5 - HAZARDS AND HAZARDOUS MATERIALS MND COA:

Although the Phase 1 Environmental Site Assessment prepared by Cornerstone Earth Group and dated October 5, 2017 indicates that no significant impacts from the 1,000-gallon underground storage tank (UST) were detected during the investigation for the Phase 1 report, pockets of impacted soil, vapor and/or ground water may be encountered in the vicinity of the UST during removal of the UST or construction activities. A Site Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared that established appropriate management practices for handling suspect conditions (e.g., soil

with an odor or discoloration) or structures, if encountered during construction activities.

Draft COA #I.6 - HAZARDS AND HAZARDOUS MATERIALS MND COA:

Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2.

Draft COA #I.7 - HAZARDS AND HAZARDOUS MATERIALS MND COA:

If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material for lead by a qualified Environmental Professional. If lead-based paint is found, the project developer shall be responsible for abatement, which shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the Town Engineer.

Draft COA #I.8 - HAZARDS AND HAZARDOUS MATERIALS MND COA:

If the asbestos containing-materials (ACM) report determines there are ACMs present, the developer shall have the responsibility to:

- a. Remove and dispose all ACM in accordance with applicable Federal, State and local regulations governing asbestos including, but not limited to those promulgated by OSHA, EPA, Cal-OSHA, Cal-DPH, DTSC, and the Bay Area Air Quality Management District (BAAQMD);
- b. Supply notification to employees, contractors, subcontractors, and tenants having access to the buildings on the project site as to the presence, location, and quantity of ACMs documented to be present at the site, with such notification to occur within 15 days of receiving such information;
- c. Retention of a State of California licensed and Cal-OSHA registered asbestos contractor to complete the recommended pre-demolition abatement of all ACM at the site;
- d. Provision of a 10 working day minimum advanced written notification to

BAAQMD prior to demolition activities (with said notice to be accompanied by payment of requisite administrative fees); and

- e. Provision of an "Intent to Conduct ACM Related Work" notification to Cal-OSHA.

Draft COA #I.9 - HAZARDS AND HAZARDOUS MATERIALS MND COA:

If the lead-based paint (LBP) report determines there are LBPs present, the project developer shall have the responsibility to: (a) remove and dispose all LBPs in accordance with applicable Federal, State and local regulations; (b) advise contactors engaged in work at the site that LBPs are present and that said LBPs shall only be impacted by properly trained workers, using appropriate lead-related work practices in compliance with applicable Cal-OSHA worker exposure regulations; and (c) provision of an "Intent to Conduct Lead Related Work" notification to Cal-OSHA.

X. HYDROLOGY AND WATER QUALITY: Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less than Significant with Mitigation Incorporated. Compliance with the Town's stormwater run-off requirements will ensure no water quality standards are violated. The integrated management practices (IMPs) proposed for the treatment areas will be consistent with the recommendations of the Contra Costa Clean Water Program. The proposed project will conform to the Town's Stormwater Management and Discharge Control Ordinance (Ord. No. 2004-06) and all applicable construction Best Management Practices (BMPs) for the site. A project Operations Maintenance Plan and Agreement will also be developed and recorded for this site. Therefore, no further analysis is required. The potential for contamination of ground water sources will be fully mitigated by the imposition of the following conditions of approval (COAs):

Draft COA #I.10 - HYDROLOGY AND WATER QUALITY MND COA:

A permit is required from the Contra Costa Health Services Department - Environmental Health Division (CCEH) for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.

Draft COA #I.11 - HYDROLOGY AND WATER QUALITY MND COA:

Any abandoned wells (water, environmental investigation, or geotechnical) and septic tanks shall be destroyed under permit from Contra Costa County Health Services Department - Environmental Health Division CCEH. If the existence of

such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEH regulations.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

Less than Significant. Potential impacts will be mitigated through the following conditions of approval (COA):

Draft COA #I.12 - HYDROLOGY AND WATER QUALITY MND COA:

The proposed project shall conform to the Town's Stormwater Management and Discharge Control Ordinance (Ord. No. 2004-06) and all applicable construction Best Management Practices (BMPs) for the site. For example, construction BMPs may include, but are not limited to: the storage and handling of construction materials, street cleaning, proper disposal of wastes and debris, painting, concrete operations, dewatering operations, pavement operations, vehicle/equipment cleaning, maintenance and fueling and stabilization of construction entrances. Training of contractors on BMPs for construction activities is a requirement of this permit. At the discretion of the Danville Development Services Department, a Storm Water Pollution Prevention Plan (SWPPP) may be required for projects under five acres.

Draft COA #I.13 - HYDROLOGY AND WATER QUALITY MND COA:

All grading activity shall address National Pollutant Discharge Elimination System (NPDES) concerns. Specific measures to control sediment runoff, construction pollution and other potential construction contamination shall be addressed through the Erosion Control Plan (ECP) and Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall supplement the Erosion Control Plan and project improvement plans. These documents shall also be kept on-site while the project is under construction. A NPDES construction permit may be required, as determined by the Danville Development Services Department.

Draft COA #I.14 - HYDROLOGY AND WATER QUALITY MND COA:

Prior to commencement of any site work that will result in a land disturbance of one acre or more in area, the project developer shall submit evidence to the Town that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be the copy of the Notice of Intent (NOI) sent to the State Water Resources Control Board.

Draft COA #I.15 - HYDROLOGY AND WATER QUALITY MND COA:

The project shall conform to the Regional Water Quality Control Board post-

construction C.3 regulations which shall be designed and engineered to integrate into the project's overall site, architectural, landscaping and improvement plans. These requirements are contained in the project's Stormwater Control Plan and are to be implemented as follows:

- a. Prior to issuance of permits for building, site improvements, or landscaping, the permit application shall be consistent with an approved Stormwater Control Plan and shall include drawings and specifications necessary to implement all measures in the approved plan. The permit application shall include a completed Construction Plan C.3 Checklist as described in the Town's Stormwater C.3 Guidebook.
- b. As may be required by the Danville Development Services Department, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings) shall show the details and methods of construction for site design features; measures to limit directly connected impervious area; pervious pavements; self-retaining areas; treatment Best Management Practices (BMPs); permanent source control BMPs; and other features that control stormwater flow and potential stormwater pollutants.
- c. Prior to approval of the Final Map, the applicant shall execute any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs.
- d. Prior to approval of the Final Map, the applicant shall submit, for the Town's review and approval, a Stormwater BMP Operation and Maintenance Plan in accordance with the Town of Danville guidelines. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are in Appendix F of the Town's Stormwater C.3 Guidebook.

Draft COA #I.16 - HYDROLOGY AND WATER QUALITY MND COA: A final Stormwater Control Plan (SCP) shall be prepared and submitted as part of the parcel map review according to the adopted Municipal Regional Permit (MRP) that governs land development in Danville. The Contra Costa Clean Water Program has developed the 6th Edition Stormwater C.3 Guidebook to assist those who prepare SCP's. Information and guidance are available on the Program website as follows: <http://www.cccleanwater.org/c3-guidebook.html>.

Draft COA #I.17 - HYDROLOGY AND WATER QUALITY MND COA: The project is in the San Ramon Creek watershed. Consistent with FC District recommendations, the project is required to mitigate its potential adverse drainage impacts upon the San Ramon Creek watershed. Toward that end, the project developer shall mitigate the impact of adding stormwater runoff into the San Ramon Creek watershed by either of the following methods:

- a. *Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the project developer at his own cost. The site selection, land rights, and construction staking will be performed by the Contra Costa County Flood District & Water Conservation District (FC District).*

or, upon written request by the project developer:

- b. *Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually. The mitigation fee for this project will be based on the increase of impervious area. The project developer shall supply a worksheet to the FC District, which includes a scalable map that shows the square footage of the existing and proposed impervious areas.*

Draft COA #I.18 - HYDROLOGY AND WATER QUALITY MND COA:

When sites are developed, debris from construction or demolition activity shall go to a solid waste and/or recycling facility that complies with the applicable requirements and can lawfully accept the material (e.g., solid waste permit, EA Notification, etc.). The debris shall be transported by a hauler that can lawfully transport the material. Debris bins or boxes of one cubic yard or more owned by the collection service operator shall be identified with the name and telephone number of the agent servicing the container.

XIII. NOISE: Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less than Significant with Mitigation Incorporated. The project consists of an infill residential project, consistent with existing surrounding developments. Noise levels would temporarily be increased due to noise associated with the construction of the project. An Environmental Noise Assessment for the project has been prepared (report dated March 7, 2018 by Charles M. Salter Associates, Inc. - see Attachment E). The summary of findings of the report is as follows:

1. Land Use Compatibility - Estimated future noise levels at the planned setback of the residences range from under CNEL 60 to approximately CNEL 74 db, which fall into the Town's normally acceptable through normally unacceptable land use compatibility categories for residential projects.
2. Exterior-to-Interior Noise - Preliminary estimates suggest that windows and exterior doors with sound insulation ratings of up to STC 37 will be needed to meet the CNEL 45 db goal indoors, due to exterior sources. Since windows will need to be closed to meet this goal, ventilation systems must not compromise exterior-to-interior sound insulation.
3. Outdoor Use Spaces - Estimates show that noise barriers would reduce traffic noise in backyards along Camino Tassajara and Sherburne Hills Road to approximately CNEL 65 and below.

Potential noise impacts will be less than significant given imposition of the following standard conditions of approval (COA):

Potential noise impacts will be less than significant given imposition of the following standard conditions of approval (COA):

Draft COA #A.9 - NOISE MND COA: *Prior to any construction work on the site, including grading, the applicant shall install a minimum 3' x 3' sign at the project entry which specifies the allowable construction work days and hours, and lists the name and contact person for the overall project manager and all contractors and sub-contractors working on the job. Construction activity shall be restricted to the period between the weekday hours of 7:30 a.m. to 5:30 p.m. (Monday through Friday), unless otherwise approved in writing by the City Engineer for general construction activity and the Chief Building Official for building construction activity.*

Draft COA #A.10 - NOISE MND COA: *The applicant shall require contractors and subcontractors to fit internal combustion engines with mufflers and to locate stationary noise-generating equipment as far away from existing residences as feasible.*

Draft COA #A.11 - NOISE MND COA: *Construction Equipment Mufflers and Maintenance. All internal combustion engine-driven equipment utilized on the project site and all stationary noise sources shall be equipped with intake and exhaust mufflers that are maintained in good condition and are equipment-specific accordance with the manufacturers' recommendations for the respective equipment utilized.*

Draft COA #A.12 - NOISE MND COA: *Construction Equipment Idling. The developer shall take reasonable efforts to assure unnecessary idling of internal combustion engines is minimal.*

Draft COA #A.13 - NOISE MND COA: Equipment Locations. Stationary noise-generating equipment shall be located as far as reasonably feasible from sensitive receptors.

Draft COA #A.14 - NOISE MND COA: Construction Traffic. Construction traffic to and from the construction sites shall be routed as directed by the City Engineer and the Transportation Manager of the Danville Development Services Department. Construction-related heavy truck traffic is prohibited from traveling through residential areas and shall be routed onto major roadways and as far from sensitive receptors as feasible.

Draft COA #A.15 - NOISE MND COA: Quiet Equipment Selection. To the extent feasible, the project shall make use of quiet construction equipment, particularly air compressors. Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields. [Note: "Quiet construction equipment" is considered to be equipment that typically generates noise levels 5 dBA lower than that of comparable equipment.]

Draft COA #A.16 - NOISE MND COA: Noise Construction Liaison. A noise construction liaison shall be designated by the developer to ensure coordination between construction staff and property owners and residential and commercial tenants within 350 foot radius from the external boundaries of the project site. These property owners and tenants shall be notified in writing of the contact information for the construction liaison a minimum of 15 days prior to the initiation of construction or pre-construction activity.

Draft COA #A.17 - NOISE MND COA: Exterior-to-Interior Noise Mitigation. Exterior building assemblies shall be sound-rated as deemed necessary by the project acoustical engineer to reduce transportation noise to the CNEL 45 dB interior noise goal set forth in the Danville 2030 General Plan for residential uses. Sound-rating assemblies for windows and exterior doors shall be as called for in Figure 2 of the project's Environmental Noise Assessment, unless otherwise dictated by the project acoustical engineer at the time of submittal for building permits. Sound insulation ratings shall be for the complete window and door assembly, including glass and frame, as based on laboratory test reports of similar sized samples from an NVLAP accredited lab. Windows and exterior doors shall be assembled with sound insulation ratings of up to Sound Transmission Class (STC) 37, as applicable.

Draft COA #A.18 - NOISE MND COA: Un-shielded Traffic Noise Mitigation. To reduce the impacts of traffic noise to approximately CNEL 65 dB from Camino Tassajara and Sherburne Hills Road to the backyard areas for proposed Lots 1, 11 and 12, the project precast concrete wall to be placed at the Camino Ramon property lines for these three lots and at the Sherburne Hills Road property line for Lot 1 shall be constructed with a residence-side wall height of seven feet. To reduce the impacts of traffic noise to

approximately 60 dB from Sherburne Hills Road to the backyards of proposed Lots 2 and 3, the proposed precast concrete wall to be placed at the Sherburne Hills Road property line for these two lots shall be constructed with a residence-side wall height of seven feet.

XVII. TRANSPORTATION - Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

A Traffic Impact Study Report for the project has been prepared (report dated December 14, 2018 by TJKM - see Attachment F). The analysis evaluated intersection level of service, as well as evaluations of project site access, onsite circulation, and parking. To evaluate the impacts on the transportation infrastructure due to the addition of traffic from the proposed project, five study intersections were evaluated during the weekday am peak hour, afternoon school peak hour, and pm peak hour, under three study scenarios. The five study intersections were: (a) Project Entrance and Sherburne Hills Road (un-signalized); (b) Camino Tassajara and Sherburne Hills Road (signalized); (c) Camino Tassajara and Holbrook Drive (signalized - entrance to Sycamore Valley Elementary School); (d) Camino Tassajara and Crow Canyon Road (signalized); and (e) Sycamore Valley Road and Camino Ramon (signalized). The study intersections were evaluated under Existing, Existing plus Project, Cumulative, and Cumulative plus Project scenarios.

Consistent with goals set forth in the Danville 2030 General Plan to limit access points along arterial streets, the analysis assumed the existing connection between Fairwood Court and Camino Tassajara would be closed and all existing trips from the sixteen residences served by that temporary connection to Camino Tassajara would be reassigned to the traffic network. This temporary connection was authorized to serve the sixteen lot Valerosa subdivision, the project to the east of the project site. The analysis also assumes the existing secondary project access to Camino Tassajara at the northeast corner of the project site would also ultimately be closed. The closure of this connection is linked to access rights to this connection by the Misson property, the property abutting and south of the project site.

For purposes of analysis, the traffic generation assumed for the project was that consistent with a project with 20 single family detached units and 10 secondary dwelling units (and Accessory Dwelling units).

For the purposes of the analysis, potential traffic operations effects from the proposed project were identified based on established traffic operational thresholds of the Town of Danville. The findings of the analysis are as follows:

Project Trip Generation - The proposed residential development is expected to generate 224 daily trips, including 28 am peak hour trips (eight in, 20 out), 26 school peak trips (16 in, ten out), and 20 pm peak hour trips (12 in, eight out).

Existing Conditions - Under this scenario, all study intersections operate at acceptable level of service (LOS) C or better during all peak periods.

Existing plus Project Conditions - Under this scenario, all study intersections would continue to operate at acceptable LOS C or better during all peak periods. The project is expected to produce a less-than-significant impact at all study intersection under Existing plus Project Conditions.

Cumulative Conditions - Under this scenario, all study intersections would operate at acceptable level of service LOS D or better during all peak periods.

Cumulative plus Project Conditions - Under this scenario, all study intersections would continue to operate at acceptable LOS D or better during all peak periods. The project is expected to produce a less-than-significant impact at all study intersection under Cumulative plus Project Conditions.

Site Access, Circulation, and Parking - The project site would be accessed via two connections to existing roadways at Sherburne Hills Drive and a private alley onto Camino Tassajara. The extension of Fieldstone Drive and all internal alleys would be 30 feet in road section width. Together, these would provide adequate access and circulation for vehicles, emergency vehicles, and garbage trucks. Each single family residence would provide the required two enclosed parking spaces through provision of attached garages. The site plan indicates provision of up to 37 on-street parking spaces. The project is expected to produce a less than significant impact either on-site or on public streets. Closure of Fairwood Court and/or the access easement on the east side of the project site would produce virtually no operational changes at the study intersections and would conform to Danville 2030 General Plan goals as set forth in the Special Concern Area discussion for the Tassajara Lane/Sherburne Hills Road sub-area. Site access for vehicles, pedestrian, and bicycles would be adequate and the project is not expected to produce conflicts with existing pedestrian or bicycle plans and would have a less-than-significant impact on existing pedestrian and bicycle facilities.

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Less than Significant. Construction efforts associated with the project could result in damage to street improvements on public and/or private streets. Potential noise impacts will be less than significant given imposition of the following standard conditions of approval (COA):

Draft COA #G.2 - TRANSPORTATION MND COA: *Any damage to street improvements found existing or found construction on or adjacent to the project site shall be repaired by the applicant to the satisfaction of the Engineering Division of the Danville Development Services Department. As determined warranted by the Engineering Division, such repair may include slurry seal; pavement overlay; and/or street reconstruction. Prior to commencement of any site work, the project developer shall establish baseline preconstruction roadway conditions in a manner, and covering an appropriate section of Sherburne Hills Road, Fieldstone Drive, Fieldstone Drive, Fieldstone Court, and Camino Tassajara, satisfactory to the Danville Development Services Department.*

XIX. UTILITIES AND SERVICE SYSTEMS: Would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less than Significant with Mitigation Incorporated. The project will be required to comply with all stormwater quality requirements. A draft C.3 Stormwater Pollution Control Plan has been prepared for the project plans (see Attachment G). The development is within the Contra Costa County Central Sanitary District boundaries, and will be served by the District. Appropriate mitigation fees will be collected by the District. The project is within the boundaries of the East Bay Municipal Utilities District. The district has indicated that they will serve the project. Appropriate mitigation fees will be collected by the District. These potential impacts will be fully mitigated by the imposition of the following conditions of approval (COAs):

Draft COA #I.12 - UTILITIES AND SERVICE SYSTEMS MND COA: *The proposed project shall conform to the Town's Stormwater Management and Discharge Control Ordinance (Ord. No. 2004-06) and all applicable construction Best Management Practices (BMPs) for the site. For example, construction BMPs may include, but are not limited to: the storage and handling of construction materials, street cleaning, proper disposal of wastes and debris, painting, concrete operations, dewatering*

operations, pavement operations, vehicle/equipment cleaning, maintenance and fueling and stabilization of construction entrances. Training of contractors on BMPs for construction activities is a requirement of this permit. At the discretion of the **Danville Development Services Department**, a Storm Water Pollution Prevention Plan (SWPPP) may be required for projects under five acres.

Draft COA #I.13 - UTILITIES AND SERVICE SYSTEMS MND COA: All grading activity shall address National Pollutant Discharge Elimination System (NPDES) concerns. Specific measures to control sediment runoff, construction pollution and other potential construction contamination shall be addressed through the Erosion Control Plan (ECP) and Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall supplement the Erosion Control Plan and project improvement plans. These documents shall also be kept on-site while the project is under construction. A NPDES construction permit may be required, as determined by the **Danville Development Services Department**.

Draft COA #I.14 - UTILITIES AND SERVICE SYSTEMS MND COA: Prior to commencement of any site work that will result in a land disturbance of one acre or more in area, the project developer shall submit evidence to the Town that the requirements for obtaining a State General Construction Permit have been met. Such evidence may be the copy of the Notice of Intent (NOI) sent to the State Water Resources Control Board.

Draft COA #I.15 - UTILITIES AND SERVICE SYSTEMS MND COA: The project shall conform to the Regional Water Quality Control Board post-construction C.3 regulations which shall be designed and engineered to integrate into the project's overall site, architectural, landscaping and improvement plans. These requirements are contained in the project's Stormwater Control Plan and are to be implemented as follows:

- a. Prior to issuance of permits for building, site improvements, or landscaping, the permit application shall be consistent with an approved Stormwater Control Plan and shall include drawings and specifications necessary to implement all measures in the approved plan. The permit application shall include a completed Construction Plan C.3 Checklist as described in the Town's Stormwater C.3 Guidebook.
- b. As may be required by the **Danville Development Services Department**, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings) shall show the details and methods of construction for site design features; measures to limit directly connected impervious area; pervious pavements; self-retaining areas; treatment Best Management Practices (BMPs); permanent source control BMPs; and other features that control stormwater flow and potential stormwater pollutants.

- c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs.
- d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for the Town's review and approval, a Stormwater BMP Operation and Maintenance Plan in accordance with the Town of Danville guidelines. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are in Appendix F of the Town's Stormwater C.3 Guidebook.

Draft COA #I.23 - UTILITIES AND SERVICE SYSTEMS MND COA: Prior to issuance of grading or building permits for the project, the project developer, project general contractor, and appropriate project sub-contractors shall attend a pre-construction meeting with the assigned Engineering Division and Stormwater inspection staff to discuss the project SCP and related IMPs and to discuss the inspection process to be used to assure IMPs are installed consistent with the SCP.

Draft COA #I.24 - UTILITIES AND SERVICE SYSTEMS MND COA: Written Engineering Division or Stormwater Program inspection staff sign-offs shall be secured for construction and installation of all project IMPs, with IMPs inspections observing the following minimum inspection sequence: a) layout inspection (required prior to beginning project excavation); b) excavation inspection (required prior to backfilling IMPs with any material or pipe installation); c) overflow inlet/surface connection to storm drain system inspection (required prior to backfilling IMPs with any material); d) underground connection to storm drain outlet or orifice inspection (required prior to backfilling IMPs with any material); e) drain rock/sub-drain inspection (required prior to soil media mix inspection/test and installation); f) soil media mix inspection/test (required prior to soil media installation); g) soil media installation inspection (required prior to irrigation installation); h) irrigation inspection (required prior to plant material installation); i) planting inspection (required prior to final Engineering Division Inspection); and j) Engineering Division Final (required prior to building permit final). The developer shall utilize the inspection log provided by the Engineering Division at the pre-construction meeting.

Draft COA #I.25 - UTILITIES AND SERVICE SYSTEMS MND COA: Prior to issuance of the building permit, the project developer shall prepare and submit a detailed Operation and Maintenance Agreement to the Development and Services Department for review and approval. The Operation and Maintenance Agreement shall identify the maintenance and funding for proposed storm water management features at the project site (i.e., bio-retention facility, storm water detention basin). All features shall be maintained and funded by the local homeowners' association (HOA), GHAD, or other instrument determined to be acceptable to the Town. The maintenance protocols shall address both routine and non-routine maintenance activities and shall explicitly identify monitoring and reporting requirements. These protocols shall include an estimate of annual monitoring and maintenance costs.

DETERMINATION:

Based upon the above identified Mitigation Measures, no significant environmental impacts are anticipated to be associated with the subject project. A Draft Mitigated Negative Declaration of Environmental Significance has been prepared. The project applicant has submitted written confirmation of knowledge and acceptance of the mitigation measures set forth in this document.

The Initial Study was prepared by the Planning Department, Town of Danville. Copies of the Initial Study may be obtained online at <http://www.ci.danville.ca.us/Services/Planning-Services/Development-Activities/> or at the Town offices located at 510 La Gonda Way, Danville, California 94526.

ATTEST:

Kevin J. Gailey
Chief of Planning